



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF ENVIRONMENTAL RESPONSE AND REMEDIATION

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ERRC-011-00

January 13, 2000

Jim Christiansen, RPM
U.S. EPA Region VIII
999 18th Street, Suite 500
Denver, Colorado 80202-2466

Re: Draft Administrative Order on Consent-Richardson Flat Site

Dear Mr. Christiansen:

Enclosed are our comments on the draft Administrative Order on Consent for Remedial Investigation/Feasibility Study work at Richardson Flat Tailings Site. If you have any questions, please contact me at (801) 536-4178.

Sincerely,

Muhammad A. Slam, Project Manager
Division of Environmental Response and Remediation

MAS/np

00 JAN 18 AM 11:05
EPA, REGION VIII
SUPERFUND BRANCH I

**UDEQ COMMENTS ON THE DRAFT ADMINISTRATIVE ORDER ON CONSENT
RICHARDSON FLAT TAILINGS SITE
SUMMIT COUNTY, UTAH**

GENERAL COMMENTS:

Paragraph numbers in the specific comments coincide with the paragraph numbers of the consent order.

SPECIFIC COMMENTS:

- 11: In the sixth line, there is a reference to "water quality standards established by the State", but "State" is not defined. The document should define "State" as the "Utah Department of Environmental Quality".

- 22: This paragraph purports to notify the "state of Utah" (again undefined) that EPA is issuing the Consent Order and that it will be the lead agency. There is no provision anywhere in the Order to the effect that UDEQ will receive copies of any of the deliverables or will receive further notice of any action that is taken. Even though it is not a party to the Consent Order, UDEQ should be allowed meaningful and substantial involvement in the project. There should be some provision for UDEQ to receive documents for review and comments.

- 24: In the eleventh line from the top of the page, "purposed" should be "purposes".

- 24.A.2: The language in the last line appears ambiguous. Please clarify whether the RI/FS work plan and sampling and analysis plan will be attached to the health and safety plan or is it the other way around?

- 24.C: In the eighth line, "a" should be "an".

- 24.C.1: In the last full line, "with in" should be "within".

- 24.D: This subparagraph states that Respondent will submit a draft remedial investigation report within 75 days of "receipt". Receipt of what? Please clarify.

- 24.G.6: The fourth line references the "workplan" and "work plan". Please clarify the distinction between the two. The term "work plan" hasn't been previously defined.

- 24.F.2: Please better describe or clarify "alternative array document".

- 34: In the second line from the top of the page, "should" should be "will".
- 35: In the fifth line, "BRA" is undefined. It should either be defined or spelled out as "baseline risk assessment" as it is in paragraphs 33, 34 and 35.
- 37: This paragraph requires Respondent to immediately notify EPA and "state" in the event of conditions posing an immediate threat to human health or welfare of the environment. "State" should be defined and there should be a provision identifying the agency at the state who should be notified (presumably, UDEQ).
- 45: In sixth line "Section XI" should be changed to Section "XIII".
- 46 & 47: These paragraphs address collection of split samples and site access for EPA and its authorized representatives. However, we anticipate that UDEQ will be involved in oversight of field activities as well. The consent order should also provide for site access for UDEQ and its authorized representatives.
- 51: This Section should also indicate that two copies of all documents will be submitted to UDEQ at:
- Muhammad Slam
UDEQ/DERR
168 N 1950 W
Salt Lake City, UT 84114-4840
- 58: (a) This paragraph provides for dispute resolution on various matters "excluding the baseline risk assessment, for which resolution has been expressly provided for" . We did not find a separate method of resolving disputes involving the baseline risk assessment.
- (b) In the thirteenth line, provision is made for a determination by the "Director". Presumably that is the Division Director of the EPA but it should be defined.
- 63: In the first line, "Settling Party" should be "Respondent".
- 70: The paragraph discusses EPA's good faith efforts to provide comments on deliverables no later than one calendar month from the due date if deliverables are submitted early or on time. This needs to be consistent with time line schedules developed for performance of work. Also, the State/EPA Superfund Memorandum of Agreement (SMOA) provides time frames for State review of project documents. (The review time for a number of major deliverables is 20 working days.) SMOA time frames should be taken into consideration when developing the schedule.

- 83: In the first line, "Settling Party" should be "Respondent".
- 96(a): In the fifth and sixth lines from the top of the page, the phrase "naming as insured the United States" should be "naming the United States as an insured".
- 97: In the last line, it is not clear who "that contractor" is. Presumably, it is Respondent's contractors who are to provide insurance as required by subparagraphs 96(c) and 96(d), but that should be clarified.